

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

## VIRGINIA PRICE,

Case No.: 2:18-cv-02201-APG-VCF

**Plaintiff**

## **Order Accepting Report and Recommendation, Granting Motion to Remand, and Denying Motion to Affirm**

NANCY A. BERRYHILL,

[ECF Nos. 20, 21, 22]

**Defendant**

On December 31, 2019, Magistrate Judge Ferenbach recommended that I grant plaintiff Virginia Price’s motion to remand and deny defendant Andrew Saul’s<sup>1</sup> motion to affirm. ECF No. 22. No party filed an objection. Thus, I am not obligated to conduct a de novo review of the report and recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts to “make a de novo determination of those portions of the report or specified proposed findings to which objection is made”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (“the district judge must review the magistrate judge’s findings and recommendations de novo if objection is made, but not otherwise” (emphasis in original)).

I THEREFORE ORDER that, under Federal Rule of Civil Procedure 25(d), the clerk of court is directed to substitute Andrew Saul for Nancy Berryhill as the respondent Commissioner of the Social Security Administration on the docket for this case.

I FURTHER ORDER that the report and recommendation (**ECF No. 22**) is accepted.

<sup>22</sup> After the parties briefed the motion, Andrew Saul was sworn in as Commissioner of the Social Security Administration. As permitted under Federal Rule of Civil Procedure 25(d), I direct the clerk of court to substitute Andrew Saul for Nancy Berryhill as the respondent Commissioner of the Social Security Administration on the docket for this case.

1 I FURTHER ORDER that plaintiff Virginia Price's motion to remand (**ECF No. 20**) is  
2 **GRANTED** and defendant Andrew Saul's motion to affirm (**ECF No. 21**) is **DENIED**. This  
3 action is **REMANDED** to the administrative law judge for further proceedings. The clerk of  
4 court is instructed to close this case.

5 DATED this 16th day of January, 2020.

6  
7   
8 ANDREW P. GORDON  
9 UNITED STATES DISTRICT JUDGE  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23